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18 JAMES RIVER INSURANCE COMPANY

14 MATTHEW BUMGARDNER, ) Case No. 2:20-cv-00381-KJD-BNW  
15 Plaintiff, )  
16 vs. )  
17 JAMES RIVER INSURANCE COMPANY; )  
RAISER, LLC dba UBER, UBER )  
18 TECHNOLOGIES INC, dba UBER; DOES I )  
through X; and ROE BUSINESS ENTITIES )  
19 I through X; inclusive; DOES I through X; )  
and ROE BUSINESS ENTITIES I through )  
20 X, inclusive, )  
21 Defendants. )  
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23 Plaintiff, Matthew Bumgardner by and through his attorneys of record,  
24 Richard A. Harris, Esq. and Samantha A. Martin, Esq. of Richard Harris Law Firm,  
25 and Defendant, James River Insurance Company by and through its attorneys of  
26 record, Lucian J. Greco, Jr, Esq., Jared G. Christensen, Esq. and Deleela M.  
27 Weinerman, Esq. of Bremer Whyte Brown and O'Meara, LLP, hereby submit their  
28 Joint Discovery Plan and Scheduling Order Pursuant to Fed. R. Civ. P. 26(f) and

1 Local Rule 26-1(b). Deadlines that fall on a Saturday, Sunday or legal holiday have  
 2 been scheduled for the next judicial day.

- 3    1. **Fed. R. Civ. P. 26(f) Meeting:** Pursuant to Fed. R. Civ. P. 26(f), counsel  
 4 for the parties conferred by telephone to develop a proposed discovery plan  
 5 on May 2, 2022. The conference was held by Samantha A. Martin, Esq. of  
 6 Richard Harris Law Firm on behalf of Plaintiff, and Deleela M.  
 7 Weinerman, Esq. of Bremer Whyte Brown & O'Meara LLP on behalf of  
 8 Defendant.
- 9    2. **Pre-Discovery Disclosures:** Pursuant to Fed. R. Civ. P. 26(a)(1), the parties  
 10 have already made their pre-discovery disclosures, including any and all  
 11 information required by Fed. R. Civ. P. 26(a)(1).
- 12    3. **Areas of Discovery:** The parties agree that the area of discovery should  
 13 include, but not be limited to all claims and defenses allowed pursuant to  
 14 the Federal Rules of Civil Procedure.
- 15    4. **Discovery Plan:** The parties propose the following discovery plan:

- 16       a. **Discovery Cut-Off Date [LR 26-1(b)(1)]:** The proposed last day of  
 17 discovery shall be **October 31, 2022**, which is calculated as 180 days  
 18 from the supplemental 26(f) conference. Due to the prior stay, the  
 19 parties are using the date of the supplemental 26(f) conference for  
 20 the purposes of discovery.
- 21       b. **Amendment of Pleadings and Adding of Parties [LR26-1(b)(2)]:**  
 22 The parties shall have until **August 2, 2022**, to file any motions to  
 23 amend the pleadings or to add parties. This is 90 days before the  
 24 proposed discovery cut-off date.
- 25       c. **Fed. R. Civ. P. 26(a)(2) Disclosures (Experts) [LR26-1(b)(3)]:**  
 26 Disclosure of experts shall proceed according to Fed. R. Civ. P.  
 27 26(a)(2) and pursuant to LR 26-1(b)(3). The initial disclosure of  
 28 experts and expert reports shall occur on **September 1, 2022**, which

is 60 days before the proposed discovery cut-off date, and the disclosure of rebuttal experts and rebuttal expert reports shall occur on **October 3, 2022**, which is 30 days after the initial disclosure of experts.

**d. Dispositive Motions [LR 26-1(b)(4)]:** The parties shall have until **November 30, 2022** to file dispositive motions, which is 30 days after the proposed discovery cut-off date.

e. **Pre-Trial Order [LR 26-1(b)(5)]**: The joint pre-trial order shall be filed by **December 30, 2022**, which is 30 days after the date set for filing dispositive motions. If a dispositive motion is timely filed, this deadline is suspended until 30 days after a decision on the dispositive motion or further order of the Court.

**f. Trial Readiness:** This case should be ready for trial by March or April 2023 and is expected to take approximately 7-10 days.

**g. Fed. R. Civ. P. 26(a)(3) Disclosures [LR 26-1(b)(6)]:** Unless otherwise directed by the Court, pretrial disclosures as set out in Fed. R. Civ. P. 26(a)(3) and any objections to them shall be included in the joint pre-trial order.

**h. Court Conferences:** If the Court has questions regarding the dates proposed by the parties, the parties request a conference with the Court before entry of the Scheduling Order. If the Court does not have questions, the parties do not request a conference with the Court.

**i. Extension or Modifications of the Discovery Plan and Scheduling Order:** LR 26-4 governs modifications or extensions of the Discovery Plan and Scheduling Order. Any stipulation or motion to extend a deadline set forth in the discovery plan and scheduling order must be made not later than 21 days before the subject deadline.

j. **Format of Discovery:** Pursuant to the electronic discovery amendments to the Federal Rules of Civil Procedure effective December 1, 2006, the parties addressed the e-discovery issues pertaining to the format of discovery at Fed. R. Civ. P. 26(f) conference. The parties do not anticipate discovery of native files or metadata at this time, but each party reserves the right to make a showing for the need of such electronic data as discovery progresses.

5. **Alternative Dispute Resolution and Settlement [LR 26-1(b)(7)]**: The parties certify that they met and conferred about the possibility of using alternative dispute resolution processes, including mediation, arbitration, and if applicable, an early neutral evaluation and will discuss further as discovery progresses.

6. **Alternative Forms of Case Disposition [LR 26-1(b)(8)]**: The parties certify that they considered consent, and do not consent, to trial by a Magistrate Judge under 28 U.S.C. 636(c) and Fed. R. Civ. P. 73, and the use of the Short Trial Program (General Order 2013-01).

7. **Electronic Evidence [LR 26-1(b)(9)]**: The parties certify that they discussed whether they intend to present evidence in electronic format to jurors for the purposes of jury deliberations. The parties may present evidence in electronic format to jurors for the purposes of jury deliberations in compliance with the Court's electronic jury evidence display system.

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1           **8. Review of Local Rule 26-1(b):** The parties certify that they have read the  
2           text of Local Rule 26-1(b), effective as amended May 1, 2016.  
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4 DATED this 6<sup>th</sup> of May 2022

DATED this 6<sup>th</sup> of May 2022

5 **RICHARD HARRIS LAW FIRM**

**BREMER WHYTE BROWN &  
6 O'MEARA LLP**

7           /s/ Samantha A. Martin

/s/ Deleela M. Weinerman

8 Richard A. Harris, Esq.

Lucian J. Greco, Jr, Esq.

9 Nevada State Bar No. 505

Nevada State Bar No. 10600

Samantha A. Martin, Esq.

Jared G. Christensen, Esq.

10 Nevada State Bar No. 12998

Nevada State Bar No. 11538

11 *Attorneys for Plaintiff,*

Deleela M. Weinerman, Esq.

Matthew Bumgardner

Nevada State Bar No. 13985

12

*Attorneys for Defendant,*

13 *James River Insurance Company*

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15           **ORDER**

16           **IT IS SO ORDERED**

17           **DATED:** 9:38 am, May 09, 2022

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19           **BRENDA WEKSLER**  
20           **UNITED STATES MAGISTRATE JUDGE**

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LEGAL:11009-0405/14052349.1 1256.396 4880-7023-2094.1

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6<sup>th</sup> day of May 2022, a true and correct copy of **JOINT DISCOVERY PLAN AND SCHEDULING ORDER PURSUANT TO FED. R. CIV. P. 26(f) AND LOCAL RULE 26-1(b)** was served upon all parties requesting notice via the United States District Court CM/ECF system.

/s/ Alexis Robinson  
Alexis Robinson, an employee of  
BREMER WHYTE BROWN &  
O'MEARA, LLP